

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE PEOPLE OF THE STATE OF NEW YORK, by LETITIA JAMES, Attorney General of the State of New York,	:	
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Plaintiff,	:	Index No. 1:22-cv-06124 (JMF)
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-against-	:	
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ARM OR ALLY, LLC; BLACKHAWK MANUFACTURING GROUP, INC., a/k/a 80 PERCENT ARMS, INC. or 80 PERCENT ARMS; SALVO TECHNOLOGIES, INC., a/k/a 80P BUILDER or 80P FREEDOM CO.; BROWNELLS, INC., a/k/a BROWNELLS or BOB BROWNELL’S; GS PERFORMANCE, LLC, a/k/a GLOCKSTORE or GSPC; INDIE GUNS, LLC; KM TACTICAL; PRIMARY ARMS, LLC; RAINIER ARMS, LLC; and ROCK SLIDE USA, LLC,	:	ORDER
	:	
Defendants.	:	
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Pursuant to their February 24, 2023 stipulation and agreement, ECF No. 140, Defendants ARM OR ALLY, LLC; BLACKHAWK MANUFACTURING GROUP, INC., a/k/a 80 PERCENT ARMS, INC. or 80 PERCENT ARMS; SALVO TECHNOLOGIES, INC., a/k/a 80P BUILDER or 80P FREEDOM CO.; BROWNELLS, INC., a/k/a BROWNELLS or BOB BROWNELL’S; GS PERFORMANCE, LLC, a/k/a GLOCKSTORE or GSPC; INDIE GUNS, LLC; KM TACTICAL; PRIMARY ARMS, LLC; RAINIER ARMS, LLC; and ROCK SLIDE USA, LLC (collectively “Defendants”) are hereby **RESTRAINED AND ENJOINED** from the following:

a. Selling, delivering, or otherwise disposing of any “unfinished frames or receivers” as defined below to recipients in New York State.

i. “Disposing of” means to “dispose of, give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of” and shall be interpreted to have the same meaning as N.Y. Penal Law § 265.00(6).

ii. A “frame” is part of a handgun, or variants thereof, that provides housing or a structure for the component (i.e., sear or equivalent) designed to hold back the hammer, striker, bolt, or similar primary energized component prior to initiation of the firing sequence, even if pins or other attachments are required to connect such component (i.e., sear or equivalent) to the housing or structure and shall be interpreted to have the same meaning as 27 C.F.R. § 478.12(a)(1). A “receiver” is part of a rifle, shotgun, or projectile weapon other than a handgun, or variants thereof, that provides housing or a structure for the primary component designed to block or seal the breech prior to initiation of the firing sequence (i.e., bolt, breechblock, or equivalent), even if pins or other attachments are required to connect such component to the housing or structure and shall be interpreted to have the same meaning as 27 C.F.R. § 478.12(a)(1).

iii. “Serialized” means bearing a visible identification number and/or symbol in accordance with the requirements imposed on licensed importers and licensed manufacturers pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto in effect at the time of assembly, except for antique firearms as defined by N.Y. Penal Law § 265.00(14) or any firearm, rifle or shotgun manufactured prior to nineteen hundred sixty-eight and shall be interpreted to have the same meaning as N.Y. Penal Law § 265.00(8-a).

iv. “Unserialized” means not bearing a visible identification number and/or symbol in accordance with the requirements imposed on licensed importers and licensed manufacturers pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto.

v. An “unfinished frame or receiver” is any unserialized material that does not constitute the frame or receiver of a firearm, rifle or shotgun but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm, rifle or shotgun, and which may readily be made into a functional frame or receiver through milling, drilling or other means and shall be interpreted to have the same meaning as N.Y. Penal Law § 265.00(32).

b. Defendants shall remain so restrained and enjoined unless and until both of: 1) NY Penal Law §§ 265.60, 265.61, 265.63, and 265.64 are repealed, held to be unconstitutional, held to be unenforceable, or amended, so as permit the sale of “unfinished frames or receivers” to customers in New York; and 2) unfinished frames and receivers are adjudicated not to constitute “firearms” within the meaning of 18 U.S.C. § 921(a)(3).

i. “Held to be unconstitutional,” “held to be unenforceable,” and “adjudicated,” as used in this subsection, shall mean via a final judgment of a New York State court or a United States District Court located in New York State, after the completion of any applicable appeals, or a decision from the United States Supreme Court.

c. Plaintiff’s motion for a preliminary injunction, ECF Nos. 77-85, is denied as moot.

IT IS SO ORDERED.

DATED: _____

THE HONORABLE JESSE M. FURMAN
UNITED STATES DISTRICT JUDGE